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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,963	02/10/2006	Norbert Weber	50321	2054
1609	7590	08/11/2006	EXAMINER	
ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P. 1300 19TH STREET, N.W. SUITE 600 WASHINGTON,, DC 20036			HOOK, JAMES F	
			ART UNIT	PAPER NUMBER
			3754	

DATE MAILED: 08/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/567,963	Applicant(s) WEBER, NORBERT	
	Examiner James F. Hook	Art Unit 3754	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/10/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, and 6-8 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Fierro (EP 1,217,201).

Claims 1, 2, and 10 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by De Ojeda.

Claims 1, 2, and 6-8 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Richardson.

Claims 1, 2, 6-8, and 10 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Felhofer.

Claims 1, 5-8, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Reinartz. The patent to Reinartz discloses the recited device for damping pressure surges in a fluid comprising a housing 4, a piston 3 displaceable longitudinally against a pretension force of a spring 1, the piston operates in conjunction with another piston 2 which is guided to be displaced longitudinally in a connecting piece 12 of the housing 4, during operation the piston exerts a compressive force on the other piston in any displaced position of the latter, the other piston is provided on the outer circumference with an annular groove which contains a seal element 27, a leakage opening 23 is

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made in the housing and can communicate with the fluid space between the pistons via a further opening in the piston bottom, the spring is helical and configured as a pressure spring that extends between the piston and a cover element 5 which is attached to the housing, and where the diameter of the connecting piece of the housing is of an external diameter reduced in comparison to the external diameter of the housing.

Claims 1-3, 5, 7, 8, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Goshima. The patent to Goshima discloses the recited device for damping pressure surges in a fluid comprising a housing 9, a piston 6 displaceable longitudinally against a pretension force of a spring 7, the piston operates in conjunction with another piston 1 which is guided to be displaced longitudinally in a connecting piece in the right hand end of the housing 9 (near reference number 3), during operation the piston exerts a compressive force on the other piston in any displaced position of the latter, the other piston is provided on the outer circumference with an annular groove which contains a seal element 16, the piston has a diameter at 6c which is several times greater than the diameter of the other piston, the other piston is configured as a stamp similar to applicants other piston and is guided by way of at least one anti loss device 2 in a through opening in the housing of the connecting piece, the spring is helical and configured as a pressure spring that extends between the piston and a cover element 10 which is attached to the housing by means of threads, and where the diameter of the connecting piece of the housing is of an external diameter reduced in comparison to the external diameter of the housing.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goshima. The patent to Goshima discloses all of the recited structure with the exception screwing the cap onto the housing instead of in it, and forming the other piston highly machined. It is noted that Goshima does show a gap formed between the other piston and the inner wall of the housing opening. It is considered merely a reversal of parts to form the cap with threads to thread onto the housing instead of into it in that such is merely a reversal of parts to place the threaded portions in a slightly different orientation so that the reverse type of connection is made as such is merely a reversal of parts and would only require routine skill in the art to modify the cap and housing to have this configuration. It is considered that the other piston is in some way machined in that it has grooves and such, but it does not disclose to what degree it's machined, however, it is considered an obvious choice of mechanical expedients to highly machine the surface to insure a smooth surface and therefore a smooth sliding piston as such is old and well known in the art and obvious to one skilled in the art to use routine experimentation to arrive at optimum values of working to meet the needs of the user.

Conclusion

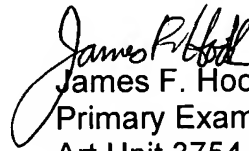
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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Cline, Bauer, Wagner, Vick, Mills, Bertling, Chalasani, Jung, Johnston, Drumm, and Weber disclosing state of the art accumulators.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James F. Hook whose telephone number is (571) 272-4903. The examiner can normally be reached on Monday to Wednesday, work at home Thursdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


James F. Hook
Primary Examiner
Art Unit 3754

JFH